IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1019 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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AHMEDABAD DISTRICT CO.OP. BANKLTD.

Versus

SURYAKANTBHAI A MASTER

Appearance:

1. Special Civil Application No. 1019 of 2001

MR TUSHAR MEHTA for Petitioner No. 1

MR SHIRISH JOSHI for Respondent No. 1-44

RULE SERVED for Respondent No. 45

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 23/04/2002

ORAL JUDGEMENT

Pursuant to the order dated 10.4.2002 of this court Mr.Vikram S.Parikh, Chairman of the respondent No.45 Society is present.

2. Mr.Joshi for respondent Nos 1 to 44 states that pending the present petition the society had moved application for setting aside the exparte award before the Ld.Nominee by preferring application No.77/00 and the Ld.Nominee after hearing both sides has passed order dated 11.4.2000 whereby the application is allowed and as a result thereof exparte award passed by the Ld.Nominee against which appeal was preferred by the present respondent Nos 1 to 44 herein would also not survive. In any view of the matter, when the appeal would not survive there will not be any question of examining the legality and validity of the order passed in the appeal.

3. In view of the above, petition becomes infructuous and hence rejected. Rule is discharged. There shall be no order as to costs.

23.4.2002 (JAYANT PATEL,J)